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Patent
P677b

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#6/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
ALBRITTON ET.AL.

SERIAL NO. : 09/859,650

FILED: MAY 17, 2001

FOR: METHOD AND APPARATUS
FOR DETECTING ENZYMATIC
ACTIVITY USING MOLECULES THAT
CHANGE ELECTROPHORETIC
MOBILITY

TECH CENTER 1600/2900
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ELECTION

Hon. Commissioner of Patents and Trademarks
Washington DC 20231

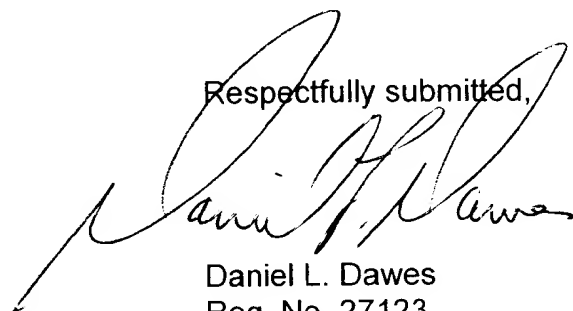
Sir:

In reply to the Restriction Requirement of April 8, 2003, applicants elect the claims of Group I, namely claims 1 – 20 with traverse.

The applicant requests the Examiner to reconsider the restriction of claims 21 and 22 of Group II inasmuch as the claims of both groups are directed to the same method of measuring oncogenic activity in a biochemical system. Both methods are directed to the same or similar steps and differ only in why the chemical reaction takes place, namely either in a cell or in a small volume, and do differ materially in the method performed which is the subject of the search.

Further, the Examiner demands in connection with the claims of Group I an election of a species. However, there is no plurality of species of oncogenic activity which as been claimed, from which an election can be made. For example, the Examiner's suggestion of the election of tyrosine kinase as the elected protein is a specie which is not explicitly claimed as such in claims 1 – 20 and therefore is not electable, there being no claims which can be so elected. Clarification of what species election among the claims is being required is requested.

Respectfully submitted,

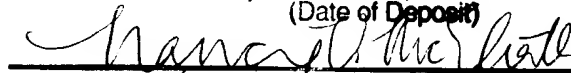


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I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 21, 2003

(Date of Deposit)


Nancy V. McEath
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